IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.2210 OF** 2006

Mr. Dilip Balkrishna Cowley...Petitioner

Vs.

The Municipal Corporation of

Greater Mumbai & Ors. .....Respondents

Mr. A.S. Khandeparkar with Mr. Anilkumar Joshi for

the petitioner.

Mrs. A.K. Savla for respondent Nos. 1 and 2.

Mr. D.H. Mehta i/b. Pravin Mehta & Mithi & Co.,

for respondent Nos.3 to 6.

CORAM: **F.I. REBELLO &**

ANOOP V. MOHTA, JJ.

DATE: 18TH SEPTEMBER 2006

P.C.

. Rule. Heard forthwith.

2. It is the case of the petitioners that they have sold 50% of Plot No.440 CTS Nos.1197 and 1197/1 in favour of Respondent Nos. 3 to 6. It is their grievance that the Respondent Nos.4 to 6 while submitting their plan for development have shown part of the R.G. area into their plot which is numbered as 440/B for the sake of convenience.

3. Considering that we direct Respondent No..2 to hear the petitioner and respondents 4 to 6 and after examining the sale deed in the event any part of the developed plot NO.440/A shows R.G. area in Plot No.440/B then to withdraw the I.O.D. until such period as the R.G. area is changed and shown in Plot No.440/A. The entire action to be completed within four weeks from today. In the meantime Respondent Nos. 4 to 6 not to proceed with the construction.

Writ Petition accordingly stands disposed off.

(F.I. REBELLO, J)

(ANOOP V. MOHTA,J).